

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1925**

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**Introduced by Assembly Member Salas**

February 16, 2010

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An act to add Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

LEGISLATIVE COUNSEL’S DIGEST

AB 1925, as amended, Salas. Veterans courts.

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs.

This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would provide that county participation is voluntary. *The bill would declare the intent of the Legislature that, where there are statutory requirements for certain education or counseling programs to be included in the terms of probation, the components of those counseling terms would be required*

*to be incorporated into the treatment programs that are designed to treat the underlying psychological disorders rather than requiring them in lieu of the psychological treatments.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.97 (commencing with Section 1001.95) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.97. DIVERSION OF VETERANS

1001.95. (a) Superior courts are hereby authorized to develop and implement veterans courts. Participation by a county shall be voluntary, but a county that chooses to participate shall conform its participation to this chapter.

(b) For purposes of this section, a veterans court shall have the following objectives:

(1) Increase cooperation between the courts, criminal justice, veterans, and substance abuse systems.

(2) Creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that contains the characteristics set out in subdivision (c) that will lead to placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from United States military service, in community treatment, as is feasible and consistent with public safety.

(3) Improve access to necessary services and support.

(4) Reduce recidivism.

(5) Reduce the involvement of veterans in the criminal justice system and time in jail by making mental health service for veterans available in the least restrictive environment possible while promoting public safety.

(c) For purposes of this section, a veterans court shall have all of the following characteristics:

(1) Leadership by a superior court judicial officer assigned by the presiding judge.

1 (2) Enhanced accountability by combining judicial supervision  
2 with rehabilitation services that are rigorously monitored and  
3 focused on recovery.

4 (3) A problem solving focus.

5 (4) A team approach to decisionmaking.

6 (5) Integration of social and treatment services.

7 (6) Judicial supervision of the treatment process, as appropriate.

8 (7) Community outreach efforts.

9 (8) Direct interaction between defendant and judicial officer.

10 (d) In developing a veterans court, the presiding judge or his or  
11 her designee ~~shall~~ *may* contact the county board of supervisors,  
12 the county administrative officer, or their designee to convene, if  
13 a county chooses to participate, the county and court stakeholders  
14 and, through a collaborative process with these stakeholders,  
15 develop a plan that is consistent with this section. At least one  
16 stakeholder should be a criminal justice client who is a veteran  
17 who has lived with the experience of mental illness as described  
18 in paragraph (2) of subdivision (b) of this section. The plan shall  
19 address at a minimum all of the following components:

20 (1) The method by which the veterans court ensures that the  
21 target population of defendants are identified and referred to the  
22 veterans court.

23 (2) The method for assessing defendants who are veterans for  
24 serious mental illness and co-occurring disorders.

25 (3) Eligibility criteria specifying what factors make the  
26 defendant eligible to participate in the veterans court, including  
27 service in the United States military, the amenability of the  
28 defendant to treatment and the facts of the case, as well as prior  
29 criminal history, United States military service history, and mental  
30 health and substance abuse treatment history.

31 (4) The elements of the treatment and supervision programs.

32 (5) Standards for continuing participation in, and successful  
33 completion of, the veterans court program.

34 (6) The need for the county mental health department and the  
35 drug and alcohol department to provide initial and ongoing training  
36 for designated staff on the nature of serious mental illness and on  
37 the treatment and supportive services available in the community.

38 (7) The process to ensure defendants will receive the appropriate  
39 level of treatment services, provided that the county and other local  
40 agencies shall be obligated to provide mental health treatment

1 services only to the extent that resources are available for that  
2 purpose, as described in paragraph (5) of subdivision (b) of Section  
3 5600.3 of the Welfare and Institutions Code.

4 (8) The process for developing or modifying a treatment plan  
5 for each defendant, based on a formal assessment of the defendant's  
6 mental health, United States military service history, and substance  
7 abuse treatment needs. Participation in the veterans court shall  
8 require defendants to complete the recommended treatment plan,  
9 and comply with any other terms and conditions that optimizes  
10 the likelihood that the defendant completes the program.

11 (9) The process for referring cases to the veterans court.

12 (10) A defendant's voluntary entry into the veterans court, the  
13 right of a defendant to withdraw from the veterans court, and the  
14 process for explaining these rights to the defendant.

15 (e) In developing a veterans program, each veterans court team,  
16 led by a judicial officer, ~~shall~~ *may* include, but not be limited to,  
17 a judicial officer to preside over the court, prosecutor, public  
18 defender, county mental health liaison, substance abuse liaison,  
19 county veterans' service officer, and probation officer. The veterans  
20 court team will determine the frequency of ongoing reviews of the  
21 progress of the offender in community treatment in order to ensure  
22 the offender adheres to the treatment plan as recommended,  
23 remains in treatment, and completes treatment.

24 (f) *For the purposes of this section, it is the intent of the*  
25 *Legislature that a veterans court judge use a variety of options for*  
26 *carrying out the goal to ensure long-term public safety by*  
27 *maximizing the opportunities for veterans with psychological war*  
28 *wounds to get timely and appropriate treatment. It is the intent of*  
29 *the Legislature in enacting this section to augment rather than*  
30 *replace other sections within this code. The judicial officer has a*  
31 *variety of tools available to reach these goals and shall exercise*  
32 *discretion and use all tools available to ensure public safety and*  
33 *assist defendants to successfully complete appropriate treatment*  
34 *for the problems underlying their offenses. Where there are*  
35 *statutory requirements for certain education or counseling*  
36 *programs to be included in the terms of probation, for example,*  
37 *first conviction programs for driving under the influence offenders*  
38 *under Section 23152 of the Vehicle Code or domestic violence*  
39 *offenders under Section 273.5 of the Penal Code, the components*  
40 *of these offense-specific counseling terms shall be incorporated*

1 *into the treatment programs that are designed to treat the*  
2 *underlying psychological disorders rather than required in lieu*  
3 *of the psychological treatments. This holistic approach ensures*  
4 *that the priority underlying offense is treated and that*  
5 *offense-specific education and counseling aims are met.*

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